IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPL. NO. 4935 OF 2004.
IN
CRIMINAL APPEAL NO. 1354 OF 2004.

Nazir Kharib Momin. ..Applicant.

VERSUS.

The State of Maharashtra. ..Respondent.

...

Mr. Asif Iqbal I Patel for the applicant.

Mr. B.R.Patil, APP for the State.

CORAM: S. B. MHASE &
ANOOP V. MOHTA, JJ.

DATE : DECEMBER 6, 2004.

P.C.:-

1. Heard Mr.Asif Patel for the applicant. The accused is maternal uncle of the deceased. It is alleged that the daughter of the accused and the deceased-Nasir were having affair and with a motive, the grinding stone-pin has been hit on the head of the deceased when the accused and the deceased were sleeping on the loft in the house wherein other witnesses, namely, Pw.-3, Pw.-6 were present and sleeping. In paragraph 19, all these circumstances have been jotted together by the trial court. That shows complicity of the accused with the crime. The accused was not on bail during the trial. All these circumstances persuade us not to grant bail and

suspend the sentence of the accused. The application is, therefore, rejected and disposed of.

(ANOOP V.MOHTA, J.) **(S.B.MHASE,J.)**